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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,345	09/18/2001	Patrick L. Rakers	IND10252	9521

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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/955,345

Applicant(s)

RAKERS ET AL.

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2876

### DETAILED ACTION

1. Receipt is acknowledged of IDS filed on 01/20/2003.
2. Claims 1-17 are presented for examination.

### *Specification*

3. The abstract of the disclosure is objected to because the languages "is transmitted" and "is received" (page 26; lines 6, 7 and 10) are not proper. The applicant is respectfully requested to replace the terms "is transmitted" and "is received".

4. The disclosure is objected to because of the following informalities: The contents of the specification lack the title of the "Brief summary of the Invention".

- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being unpatented by Wood, Jr. (U.S. 6,104,333).

Re claims 1, 15, 16: Wood, Jr. discloses methods of processing wireless communication, methods of processing radio frequency communication, and related systems, which includes means of identifying a plurality of data fields 12, 12a, 12b ... 12z (see Fig. # 6 of Wood, Jr.; col.5, lines 1-24); sending/transmitting a request (col.15, lines 12-67); transmitting a data symbol 29 comprising a first set of data/item identification information (col.5, lines 3+); maintaining or storing a data field or tag identification information from which the data symbol was transmitted (col.10, lines 1+); receiving an acknowledgement symbol/reply or return link comprising a second set of data or item/article identification information (col.8, lines 27+; col.14, lines 8-67; col.15, lines 42-67 and col.16, lines 1-67); comparing/correlating the first set of data to the set of data (col.18, lines 40+); and if the first set of data is equivalent/match to the second set of data, repeating previous steps until data transmission is complete; otherwise, temporarily suspending data transmission (col. 16, lines 1-29 and col.17, lines 40+), and further returning to a beginning of the data field (the arbitration number) containing the field symbol corresponding to the data symbol in the location/area (col.15, lines 12-35).

Re claim 2: Wood, Jr. teaches a system, which includes means of maintaining/storing the data field (through the memory) for a predetermined period of time when power is removed and subsequently re-applied (col.7, lines 42+).

Re claim 3: Wood, Jr. discloses a system, further comprising the step of defaulting or initial to a first data when power is removed and subsequently re-applied (col.7, lines 47+).

Art Unit: 2876

Re claim 4: Wood, Jr. teaches a system, further comprising the steps of, if the set of data is not equivalent/does not match the second set data receiving a request for devices temporarily suspended in a given data field to resume data transmission (col.18, lines 53+); if the data field that was maintained is equivalent to or match the given data field identified in the request, repeating previous steps b-f, starting with a first symbol in the data field that was maintained or stored (col.18, lines 48+); and if the data field is not equivalent to the given field identified in the request, continuing to temporarily suspend (return to the sleep mode) data transmission (col.11, lines 23+ and col.15, lines 45+).

Re claim 5: Wood, Jr. teaches a system, further comprising the step of becoming inactive or in the sleep mode when data transmission is complete (col.10, lines 32-67).

Re claim 6: Wood, Jr. discloses a system, further comprising the steps of initializing to a first data field upon power-up (col.10, lines 45-51); receiving a request/command for devices in a given data field to transmit data (col.8, lines 27+ and col.10, lines 57-67); and becoming active or (the microprocessor is turned on) only if the first data field is equivalent to the given data field identified in the request (col.11, lines 23-31).

Re claims 7 and 9: Wood, Jr. discloses a system, which includes means transmitting a request to activate a set of tags 12a-12n in a first state; receiving a set of data symbols; in response to receiving the sets of data symbols, transmitting an acknowledgement/reply symbol; continuing to transmit an acknowledgement/reply in response for each set of data symbols received, and when a predetermined number of sets of data symbols is received, repeating previous steps (col.15, lines 12-67); when a set of data symbols is not received, transmitting a

Art Unit: 2876

second request to activate a set of tags in a second state, wherein the first state is different than the second state (col.6, lines 6-67).

Re claim 8: Wood, Jr. teaches a system, further comprising the step of, after the step of transmitting the second request, looping through (meaning receiving a set of data and so on) steps b-e (col.16, lines 35+).

Re claim 10: Wood, Jr. discloses a system, further comprising the step of transmitting an excitation/power signal (col.14, lines 24-42).

Re claim 11: Wood, Jr. teaches a system, further comprising the step of copying at least a portion of data represented by each reply symbol into a storage/memory device (col.7, lines 42+).

Re claim 12: Wood, Jr. discloses a system, further comprising at least a portion of data by each acknowledgement/reply symbol into a first memory device (col.15, lines 42-50); when the first storage device contains a predetermined amount of data into a first location of a second storage device (col.16, lines 1-67 and col.17, lines 1-56).

Re claim 13: Wood, Jr. teaches a system, further comprising the step of clearing at least a portion of the first storage device upon transmitting a request to activate a group of radio frequency identification tags in a given state (col.15, lines 60-67 and col.16, lines 1+).

Re claim 14: Wood, Jr. discloses a system, further comprising the step of copying or re-randomize or using the same value at least a portion of data represented by each reply symbol transmitted after the request into the portion of the first storage device that cleared (col.16, lines 30+).

Art Unit: 2876

7. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Snodgrass et al. (U.S. 5,365,551).

Snodgrass discloses data communication transceiver using identification protocol, which includes means of identifying a plurality of data fields (col.3, lines 48+); transmitting a request (col.4, lines 43+); transmitting a data symbol corresponding to a position in a data field (col.17, lines 10-67; col.18, lines 1-67 and col.19, lines 1+); maintaining the data field from which the data symbol was transmitted (col.18, lines 21+); if the data symbol is acknowledged, repeating steps c-f; otherwise, transmitting a second data symbol corresponding to the position in the data field (col.17, lines 44+); if the second data symbol is acknowledged, repeating steps c-f; otherwise, returning to a beginning of the data field and repeating steps b-f (col.21, lines 24-67 and col.22, lines 1+).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bledsoe (U.S. 5,742,237) teaches tag location monitor.

Bowers et al. (U.S. 5,963,134) discloses inventory system using articles with RFID tags.

Bowers et al. (U.S. 5,883,582) teaches anticollision protocol for reading multiple RFID tags.

Valiulis (U.S. 6,317,028) discloses electronic identification, and security system and method for consumer electronics and the like.

Loof (U.S. 6,507,279) teaches complete integrated self-checkout system and method.

Art Unit: 2876

Cato (U.S. 5,822,714) discloses data processing system and method for accessing a plurality of radio frequency identification tags.

Issacman et al. (U.S. 6,127,928) teaches method and apparatus for locating and tracking documents and other objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
July 12, 2003

A handwritten signature in black ink, appearing to read 'Karl D. Frech', with a stylized, flowing script.

KARL D. FRECH  
PRIMARY EXAMINER